

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 33730

STATE OF IDAHO,)	2008 Unpublished Opinion No. 443
)	
Plaintiff-Respondent,)	Filed: April 28, 2008
)	
v.)	Stephen W. Kenyon, Clerk
)	
MICHAEL LEE LISBY,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Joel D. Horton, District Judge.

Judgment of conviction and unified sentence of twenty years, with a minimum period of confinement of five years, for possession of a controlled substance with intent to deliver and being a persistent violator, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

PER CURIAM

Michael Lee Lisby was found guilty of possession of a controlled substance with intent to deliver, I.C. § 37-2732(a), and being a persistent violator, I.C. §19-2514.¹ The district court sentenced Lisby to a unified term of twenty years, with a minimum period of confinement of five years. Lisby appeals.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing

¹ Lisby was also found guilty of misdemeanor possession of a controlled substance, but does not challenge this judgment of conviction and sentence on appeal.

the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Lisby's judgment of conviction and sentence are affirmed.